

SENEGAL 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Senegal is a republic dominated by a strong executive branch. In 2019, voters re-elected Macky Sall as president for a second term of five years in elections local and international observers considered generally free and fair. Observers judged the July legislative elections to be also generally free and fair.

Police and gendarmes are responsible for maintaining law and order. The army shares that responsibility in exceptional cases, such as during a state of emergency. The National Police is part of the Ministry of the Interior and operates in major cities. The Gendarmerie is part of the Ministry of Defense and primarily operates outside major cities. The army also reports to the Ministry of Defense. Civilian authorities generally maintained effective control over the security forces. There were reports members of security forces committed abuses.

Protests erupted June 17 after the Constitutional Council upheld the electoral commission rejection of the political opposition's national candidate list for the July legislative elections, resulting in four deaths, two attributed to police by some nongovernmental organizations. Police arrested 130 protesters.

Significant human rights issues included credible reports of: unlawful or arbitrary killings; torture or cruel, inhuman, or degrading treatment or punishment by or on behalf of the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; serious problems with the independence of the judiciary; serious government corruption; lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence, child, early, and forced marriage, and female genital mutilation/cutting; trafficking in persons; crimes involving violence or threats of violence against lesbian, gay, bisexual, transgender, queer, or intersex persons; and enforcement of laws criminalizing consensual same-sex sexual conduct between adults.

The government took steps to identify, investigate, prosecute, and punish officials

who committed abuses or engaged in corruption, whether in the security forces or elsewhere in the government, but impunity for abuses and corruption existed.

In the southern Casamance region, situated between The Gambia and Guinea-Bissau, a low-level insurgency between security forces and armed separatists continued. Sporadic incidents of violence occurred in the Casamance involving individuals associated with various factions of the separatist Movement of Democratic Forces of the Casamance. In January the Movement of Democratic Forces of the Casamance killed four members of the army and captured seven, releasing them in February. The government regularly investigated and prosecuted these incidents.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports the government or its agents committed unlawful or arbitrary killings in the June 17 protests. Some nongovernmental organizations (NGOs) attributed two of the four deaths to police; investigations continued.

Government offices empowered to investigate misconduct and excessive use of force included the gendarmerie and police internal affairs units. If abuses bore further investigation, cases were referred to an investigative judge, who could request additional investigations by the Criminal Investigation Department (DIC) of the National Police or the Research Brigade of the Gendarmerie.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution and law prohibit such practices. Human rights organizations noted examples of physical abuse committed by authorities, including excessive use of force as well as cruel and degrading treatment in prisons and detention

facilities. They highlighted strip search and interrogation methods. Police reportedly forced detainees to sleep on bare floors, directed bright lights at them, beat them with batons, and kept them in cells with minimal access to fresh air. Investigations often were unduly prolonged and rarely resulted in charges or indictments.

Impunity for such acts was a significant problem. Offices charged with investigating abuses included the Ministry of Justice and the National Observer of Places of Deprivation of Liberty. The DIC and police and gendarmerie internal affairs units charged with investigating police abuses did not effectively address impunity or corruption.

Local and international media outlets reported human rights abuses committed by police and national gendarme responding to the June protests. Some protesters accused security forces of serious physical abuse while in detention following the June protests. Authorities continued to investigate these allegations.

Prison and Detention Center Conditions

Some prison and detention center conditions were harsh and life threatening due to food shortages, overcrowding, poor sanitation, and inadequate medical care.

Abusive Physical Conditions: Prison overcrowding was endemic. For example, Dakar's main prison facility, Rebeuss, held more than twice the number of inmates for which it was designed. The NGO World Prison Brief reported the country held 12,430 detainees in facilities with a capacity of 7,350 persons. Female detainees generally had better conditions than male detainees. Pretrial detainees were not always separated from convicted prisoners. Juvenile detainees were often held with adults or permitted to move freely with adults during the day. Infants and newborns were often kept in prison with their mothers until age one, with no special cells, additional medical provisions, or extra food rations.

In addition to overcrowding, the NGO National Organization for Human Rights identified lack of adequate sanitation as a major problem. Poor and insufficient food, limited access to medical care, stifling heat, poor drainage, and insect infestations also were problems throughout the prison system.

According to the most recent available government statistics, 24 inmates died in prisons and detention centers in 2020, seven fewer than in 2019. Government statistics did not provide the causes of death. Some deaths reportedly were killings. Perpetrators, which included prison staff and other prisoners, may have been subject to internal disciplinary sanctions, but authorities undertook no prosecutions or other public actions against them.

Administration: Authorities did not always conduct credible investigations into allegations of mistreatment. Ombudsmen were available to respond to complaints, but prisoners did not know how to access them or file reports. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions, but there was no evidence officials conducted any follow-up investigations.

Independent Monitoring: The government permitted prison visits by local human rights groups, all of which operated independently, and by international observers. The National Observer of Places of Deprivation of Liberty had full and unfettered access to all civilian prison and detention facilities, but not to military and intelligence facilities. The national observer was unable to monitor prisons throughout the country.

Members of the International Committee of the Red Cross visited prisons in Dakar and the Casamance.

Improvements: In January, President Sall pardoned 818 prisoners to decongest prisons and prevent the spread of COVID-19. In April, he pardoned 824 on the country's Independence Day; in May, he pardoned 424 inmates on the eve of the Eid al-Fitr Islamic holiday; and in July, he pardoned 516 additional prisoners to mark the Eid al-Adha holiday.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, the government did not always observe these prohibitions. Detainees are legally permitted to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully

detained; however, this rarely occurred due to lack of adequate legal counsel.

Arrest Procedures and Treatment of Detainees

Unless a crime is “flagrant” (just committed or discovered shortly after being committed), police must obtain a warrant from a court to arrest or detain a suspect. Police treat most cases as “flagrant” offenses and make arrests without warrants, invoking pretrial detention powers. The DIC may hold persons up to 24 hours before releasing or charging them. Authorities did not promptly inform many detainees of the charges against them. Police, including DIC officials, may double the detention period from 24 to 48 hours without charge if they demonstrate substantial grounds for a future indictment and if a prosecutor so authorizes. If such extended detention is authorized, the detainee must be brought in front of the prosecutor within 48 hours of detention. For particularly serious offenses, investigators may request a prosecutor double this period to 96 hours. Authorities have the power to detain terrorist suspects for an initial 96 hours, and with renewals for a maximum of 12 days. The detention period does not formally begin until authorities officially declare an individual is being detained, a practice Amnesty International noted results in lengthy detentions. Prosecutors visited detention facilities on a regular basis to identify detainees with pending criminal dossiers to minimize use of detention for unofficial, extrajudicial purposes.

Bail was rarely available, and officials generally did not allow family access. By law, defense attorneys may have access to suspects from the moment of arrest and may be present during interrogation; this provision, however, was not regularly observed. The law provides for legal representation at public expense in felony cases to all criminal defendants who cannot afford one after the initial period of detention. Appointed counsel, however, rarely showed up, especially outside of Dakar. Indigent defendants did not always have attorneys in misdemeanor cases. Several NGOs provided legal assistance or counseling to those charged with crimes.

Arbitrary Arrest: According to local press, on June 17, police arrested 130 demonstrators protesting a Constitutional Council decision regarding the opposition candidate slate for July legislative elections (see section 2.b., Freedom of Assembly). By June 28, authorities had released all but six arrested protesters.

Pretrial Detention: Most defendants awaiting trial were held in detention. The law states an accused person may not be held in pretrial detention for more than six months for minor crimes; however, authorities routinely held persons in custody until a court ordered their release. Felony detainees may be held indefinitely. Judicial backlogs and absenteeism of judges resulted in an average delay of two years between the filing of charges and the beginning of a trial. In cases involving murder charges, threats to state security, and embezzlement of public funds, there were no limits on the length of pretrial detention. In many cases pretrial detainees were held longer than the length of sentence later imposed.

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, there were reports the judiciary was subject to corruption and government influence. Magistrates noted overwhelming caseloads, lack of adequate space and office equipment, and inadequate transportation, and they questioned the government's commitment to providing adequate resources for proper judicial operations. The judiciary is formally independent, but the president controls appointments to the Constitutional Council, the Court of Appeal, and the Council of State, and he and the minister of justice cochair the High Council of the Judiciary, the body responsible for managing magistrates' careers. Judges were prone to pressure from the government on corruption cases and other matters involving high-level officials or supporters of the government.

The Regional Court of Dakar includes a military tribunal that has jurisdiction over crimes committed by military personnel. A tribunal is composed of a civilian judge, a civilian prosecutor, and two military assistants to advise the judge, one of whom must be of equal rank to the defendant. A tribunal may try civilians only if they were involved with military personnel who violated military law. A military tribunal provides the same rights as a civilian criminal court.

Trial Procedures

The constitution provides for all defendants to have the right to a fair and public trial, and the judiciary generally enforced this right.

Legal commentators noted provision of attorneys was rare in cases where

defendants could not afford counsel. While defendants may not be compelled to testify against themselves or confess guilt, the country's long-standing practice is for defendants to provide information to investigators and testify during trials. Case backlogs, lack of legal counsel (especially outside of Dakar), judicial inefficiency and corruption, and lengthy pretrial detention undermined many of the rights of defendants.

Evidentiary hearings may be closed to the public and press. Although a defendant and counsel may introduce evidence before an investigating judge who decides whether to refer a case for trial, police or prosecutors may limit their access to evidence against the defendant prior to trial.

Political Prisoners and Detainees

Local observers estimated there were a small number of political prisoners. The government granted access to political prisoners by human rights or humanitarian organizations.

On May 4, the gendarmerie of Saint-Louis arrested activist Alé Thiam following a complaint by Minister of Infrastructure and Land Transportation Mansour Faye, mayor of Saint-Louis and President Sall's brother-in-law. Authorities prosecuted Thiam for "defamation, insults, disseminating fake news, and endangering the family of Mansour Faye." Thiam questioned the origin of Faye's daughter's wealth on social media. The court found the activist guilty of disseminating fake news and sentenced him to six months' imprisonment (five months suspended), and a 100,000 CFA franc (\$163) fine.

Of the protesters arrested on June 17, several received suspended prison sentences and remained in custody until June 28.

Civil Judicial Procedures and Remedies

Citizens may seek cessation of and reparation for human rights abuses in regular administrative or judicial courts. Citizens may also seek administrative remedies by filing a complaint with the ombudsman, an independent authority. Corruption and lack of independence hampered judicial and administrative handling of these cases. In matters related to human rights, individuals and organizations may

appeal adverse decisions to the Economic Community of West African States Court of Justice.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, but there were several reports the government failed to respect these prohibitions.

g. Conflict-related Abuses

President Sall continued efforts to resolve the 40-year conflict in the southern Casamance region between separatists and government security forces. On August 4, government officials signed an agreement with the provisional committee of the Movement of Democratic Forces of the Casamance (MDFC) in Guinea-Bissau, but NGOs noted the absence of MDFC leader Salif Sadio raised questions concerning the agreement's utility and sustainability. The army conducted several air and ground operations to facilitate the return of local displaced populations affected by the conflict.

Abductions: There were several acts of banditry attributed to MDFC rebels in which they detained civilians.

Physical Abuse, Punishment, and Torture: MDFC rebels on occasion harmed civilians while committing criminal acts unconnected to military operations.

According to the *Conduct in UN Field Missions* online portal, there was one allegation submitted in December 2021 of sexual exploitation and abuse by a peacekeeper deployed to the UN Stabilization Mission in the Central African Republic. The incident allegedly involved an exploitative relationship between Senegalese personnel and an adult. As of September, the government and the United Nations were still investigating the allegation. Three investigations into allegations from 2021 related to exploitative relationships with adults also were still pending as of September, as were three other allegations from 2020. The United Nations substantiated one 2020 allegation of rape perpetrated by a police officer serving with the UN Organization Stabilization Mission in the Democratic Republic of Congo, but the government had not yet reported actions taken.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, but the government occasionally limited these freedoms.

Violence and Harassment: The NGO Reporters Without Borders noted a significant increase in verbal and physical attacks against journalists since early 2021.

In April, gendarmerie arrested Pape Malick Thiam, a reporter with the privately owned television broadcaster 7TV, after an altercation with a security officer while on assignment in a Dakar court. Executive Director of 7TV Maimouna Ndour Faye told press gendarmes severely beat Thiam, and when she visited him at the police station, his face was swollen and he had blood on his clothes. A court found Thiam guilty of “contempt of public officers in the exercise of their duties,” but suspended his sentence.

Censorship and Content Restrictions for Members of the Press and Other Media, Including Online Media: Journalists occasionally practiced self-censorship, particularly in government-controlled media. Independent journalists regularly criticized the government without reprisal.

Radio was the most important medium of mass information and source of news. Although an administrative law regulates radio frequency assignments, community radio operators claimed a lack of transparency in the process.

Although the government continued to influence locally televised information and opinion through Radio Television Senegal (RTS), privately owned television channels broadcast independently. By law the government holds a majority interest in RTS, and the president directly or indirectly controlled selection of all members of the RTS executive staff. Beyond RTS, members of President Sall’s ruling party, appointed by the president, controlled all other public media outlets; reporting by these outlets often carried a progovernment bias.

The law mandates news editors have a minimum of seven years' experience and publishers 10 years' experience, with possible prison terms for infractions. Reporters Without Borders regarded the law as potentially having a chilling effect on online media, since few online sites could meet these requirements.

All journalists and media technicians were required to obtain a national press identity card by December 1. The Commission of the National Press Card granted the cards to journalists and technicians graduated from a state-recognized journalism school or with 10 years of experience validated by the commission.

Libel/Slander Laws: Blasphemy and criminal defamation laws were in place and were occasionally enforced. The press law punishes “fake news,” particularly news articles that “discredit public institutions.”

Nongovernmental Impact: During the June 17 demonstrations organized by opposition coalition YAW, opposition supporters expelled television outlets affiliated with Groupe Futurs Média (GFM) from protest events and referred to GFM as *Tele Faraal Macky*, meaning televised support for President Macky Sall. During a press briefing covering the opposition's legislative campaign in Thiès on July 16, opposition figure Ousmane Sonko demanded journalists of the national television station RTS be removed from the media pool accompanying him.

Internet Freedom

The law grants the Senegalese Regulatory Authority for Telecommunications and Post and existing internet service providers the ability to limit or block access to certain online sites and social networks. There were no reports the government restricted or disrupted access to the internet, and there were no credible reports the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The government sometimes restricted freedom of peaceful assembly, but generally respected freedom of association, except for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) organizations.

Freedom of Peaceful Assembly

The law provides for this right, but authorities sometimes refused to authorize demonstrations, ostensibly to maintain public order. The Ministry of Interior or government prefects must approve protests in advance. Several political opposition parties complained of undue delays in response to authorization requests for public demonstrations. Ahead of the July 31 legislative elections, several municipal governments cited the need to “preserve public order” in denying YAW’s requests to demonstrate.

On June 17, police arrested 130 demonstrators, including leaders of YAW Mame Diarra Fam and Dethié Fall, both members of the National Assembly, and Ahmed Aidara, mayor of the town of Guédiawaye. The protesters opposed the Constitutional Court decision upholding the electoral commission rejection of the political opposition’s national candidate list for the July 31 legislative elections. On June 27, a court tried and convicted Aidara and Fall for participating in an unauthorized demonstration. Aidara received a one-month suspended sentence and a fine of 50,000 CFA francs (\$81), and Fall a six-month suspended sentence. The court acquitted Fam and 82 other defendants.

On June 18, police arrested Guy Marius Sagna, then candidate for legislative elections, on charges of participating in an unauthorized demonstration while he visited 33 demonstrators detained at the Ziguinchor gendarmerie facility. On June 28, he was tried and released with a one-month suspended sentence and a fine of 80,000 CFA francs (\$130).

Freedom of Association

The law provides for this right, and authorities generally respected it, although the government did not allow LGBTQI+ organizations to meet or organize under the theory their activities were against public order.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government continued to permit generally unsupervised and largely informal repatriation of Casamance refugees returning from The Gambia and Guinea-Bissau.

Foreign Travel: The law requires some public employees to obtain government approval before departing the country. Only the military and judiciary enforced this law for their employees, however.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Since the president must approve each case, delays of many years in granting refugee status remained a problem. Refugee advocates reported the government rarely granted refugee status or asylum. The government, however, generally allowed those with pending and some with rejected asylum claims to remain in the country.

The government did not offer all asylum seekers due process or security, since the same committee that examined appeals filed by denied asylum seekers had examined their original cases. Police did not arrest denied asylum seekers for staying illegally in the country but arrested them if they committed crimes. Authorities generally contacted UNHCR in such cases to verify their asylum status and avoid deporting someone with a pending claim.

Durable Solutions: The country continued to offer protection to Mauritanian refugees dispersed over a large area in the Senegal River valley along the border with Mauritania. According to UNHCR, most of the Mauritanian refugees

indicated a desire to remain in the country permanently, and the government and UNHCR continued to coordinate a naturalization campaign.

Temporary Protection: The government did not formally grant temporary protection, although the government generally allowed those with pending and sometimes denied asylum claims to remain in the country.

f. Status and Treatment of Internally Displaced Persons

During the 40-year Casamance conflict, more than 20,000 persons left villages in the region due to fighting, forced removal, and land mines, according to estimates by international humanitarian assistance agencies. Internally displaced persons continued to return to their villages (see section 6, Displaced Children). The government generally respected rights related to movement and promoted the safe, voluntary, and dignified return, resettlement, or local integration of these internally displaced persons, and had policies and protections in line with UN principles on displacement. Some returnees lacked civil documentation proving nationality that could affect their access to state services.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2019, President Macky Sall secured re-election, winning 58 percent of the votes. Election observers agreed the election was generally free and fair, despite isolated cases of voters being unable to vote.

In the July 31 legislative elections, voters chose among eight coalitions of political parties competing for 165 seats in the National Assembly. With independent candidates winning three seats, neither the ruling party nor the opposition won an absolute majority, and the ruling party lost control of the assembly for the first time in recent history. Observers judged these elections to be generally free and fair.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate. The law requires candidate lists of political parties contain equal numbers of men and women for elected positions at all levels, from city councils to the National Assembly. While the number of women in elected positions increased, the law has not significantly expanded their role in exercising political authority since it does not apply to party leadership positions or to other important decision-making bodies, such as the cabinet and the judiciary. Some observers believed traditional and cultural factors prevented women from participating in the political process to the same extent as men. Women elected to office often faced additional pressure to maintain traditional subservient gender roles, making it difficult to confront male leadership and domination within the political sphere.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government often did not enforce the law effectively. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of government corruption.

Corruption: The National Anticorruption Commission in 2021 concluded that bribery, misappropriation, abuse of authority, and fraud remained widespread within government institutions, particularly in the transport, health, and education ministries, and the postal services. Reports of corruption ranged from rent seeking by bureaucrats involved in public approvals, particularly in extractive industries, to opaque public procurement, to corruption in the judiciary and police. In 2021, two members of the National Assembly facilitated fictitious marriages in order to issue diplomatic passports for paying clients; following arrest and trial, on May 19 they were sentenced to two years in prison.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human

Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative but rarely took action to address their concerns.

Government Human Rights Bodies: The government's National Committee on Human Rights included government representatives, civil society groups, and independent human rights organizations. The committee had authority to investigate abuses but lacked credibility, did not conduct investigations, and last released an annual report in 2001.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape but does not address the gender of survivors. The law also does not address spousal rape. Offenders faced 10 to 20 years in prison, with possible life sentences in aggravated situations. Experts noted the need for the government to train more gynecologists, midwives, nurses, general practitioners, and psychologists to assist survivors and raise awareness of the law among key actors in society, including police, judges, religious leaders, and media.

The government did not fully enforce existing laws, particularly when violence occurred within families. Although domestic violence that causes lasting injuries is punishable with a prison sentence of 10 to 20 years, and life imprisonment for murder, police usually did not intervene in domestic disputes. The NGO Partners West Africa Senegal, citing the Association of Jurists of Senegal, claimed the rates of gender-based violence continued to increase and only 40 percent of victims reported such crimes. Many citizens considered domestic violence a normal part of life. NGOs noted the failure of some judges to apply domestic violence laws, citing cases in which judges claimed lack of adequate evidence as a reason to issue lenient sentences. NGOs also noted the government's failure to permit them to bring suits on behalf of survivors of domestic violence and the lack of shield laws

for rape survivors.

The Ministry of Justice is responsible for combating domestic violence, but it did not undertake any programs to address rape or domestic violence. The government-run Ginddi Center in Dakar provided shelter to women and girls who were survivors of rape or child, early, and forced marriage as well as to street children.

Female Genital Mutilation/Cutting (FGM/C): The law provides criminal penalties for the perpetration of FGM/C on women and girls, but authorities prosecuted no cases. The government, with the support of UNICEF, launched a public awareness campaign in November 2021 to accelerate efforts to eliminate FGM/C. Also in November 2021, UNICEF estimated one in four girls and women between ages 15 to 49 had suffered from FGM/C, with the prevalence as high as 65 to 90 percent in some regions, and with large variation across regions and ethnic groups.

Sexual Harassment: The law mandates prison terms of five months to three years and modest to substantial fines for sexual harassment, but the problem remained widespread. The government did not effectively enforce the law.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

The prevalence of FGM/C heightened women's risk to increased obstetrical complications during labor and childbirth (see the Female Genital Mutilation/Cutting (FGM/C) subsection for additional information).

Emergency contraception was available as a part of family planning method mix.

Barriers to emergency health care, including complications from abortion, included long distances from health-care facilities, a lack of equipment, a lack of trained staff, and language barriers between health-care workers and patients. The government provided access to sexual and reproductive health services for survivors of sexual violence. Service quality improved with the adoption of standards, training, and technical platforms. Emergency contraception was available as part of the clinical management of rape cases.

According to 2017 data from the Ministry of Health and Social Action, the maternal mortality ratio was 236 deaths per 100,000 live births. The ministry estimated most maternal deaths in childbirth were preventable, caused by the lack of medical equipment and qualified providers, particularly in rural areas.

Barriers impacting menstruation and menstruation hygiene included a lack of education for women and girls and a cultural reluctance to discuss reproductive health. Menstruation and barriers to menstrual hygiene sometimes negatively impacted education and employment opportunities.

Discrimination: The law provides for the same legal status and rights for women as for men in many areas, although there are legal restrictions on women in employment, including limitations on occupations and tasks. Nevertheless, women faced pervasive discrimination, especially in rural areas where traditional customs and discriminatory rules of inheritance were strongest.

The law's definition of paternal rights also remained an obstacle to equality between men and women. The law considers men to be heads of household, preventing women from being granted legal responsibility for their children. Additionally, any benefits for having children are paid to the father. Women may become the legal head of household only if the husband formally renounces his authority or if he is unable to act as head of household.

While women legally have equal access to land, traditional practices made it difficult for women to purchase property in rural areas. Many women had access to land only through their husbands, and the security of their rights depended on maintaining their relationships with their husbands. Discriminatory laws and policies also limited women's access to and control of capital.

The Ministry for Women's Affairs, Family Affairs, and Gender has a directorate for gender equality that implemented programs to combat discrimination.

Systemic Racial or Ethnic Violence and Discrimination

The law forbids acts of racial, ethnic, or religious discrimination. Authorities enforced the law effectively. Ethnic groups generally coexisted peacefully, but discrimination occurred among many ethnic groups, particularly against

individuals of lower castes, and intellectuals or businesspersons from lower castes often tried to conceal their caste identity. Such discrimination was rarely discussed openly.

Government programs to mitigate societal, racial, or ethnic biases included policies favoring the hiring of women, persons with disabilities, and youth.

Children

Birth Registration: Citizenship is acquired by birth on national territory or naturalization. The law provides for equal rights for mothers and fathers to transmit citizenship to their children. The law does not make birth declaration mandatory. Registering births required payment of a small fee and travel to a registration center, a difficult process for many residents of rural areas.

Education: The law provides for tuition-free and compulsory education for children between ages six and 16, although approximately one-third of these children did not attend school. Some did not attend for religious reasons. While children generally could attend primary school without a birth certificate, they needed one to take national exams. Students often had to pay for their own books, uniforms, and other school supplies.

Girls encountered greater difficulties than boys in continuing school beyond the elementary level. A lack of running water, poor sanitation, early pregnancy, long travel distances, and sexual harassment by school staff contributed to girls leaving school. Where school directors were aware of sexual harassment or exploitation by teaching staff, they generally tried to resolve the situation on their own without reporting it to higher authorities or police and often stigmatized and faulted the behavior of the girls rather than the teachers. Clear mechanisms for reporting harassment remained inconsistent at the school level. Many girls who became pregnant dropped out of school and had limited opportunities for re-enrolling.

Many parents opted to keep their middle-school- and high-school-age daughters home to work or to marry rather than sending them to school. In recent years, however, gender disparity at the middle- and high-school level lessened.

Child Abuse: Child abuse remained common, particularly of boys sent to Dakar

and other cities to beg under threat of punishment. Parents sent many of these boys to study in *daaras* (Quranic religious schools). At some *daaras*, Quranic instructors exploited, physically abused, and forced children to beg on the street. According to Human Rights Watch in 2019, more than 100,000 students lived in *daaras* across the country.

Child, Early, and Forced Marriage: By law women have the right to choose when and whom they marry, but traditional practices often restricted a woman's choice. The law prohibits the marriage of girls younger than 16, but authorities generally did not enforce the law in communities where marriages were arranged. Under certain conditions a judge may grant a special dispensation to a man to marry a girl below the age of consent.

According to women's rights groups and officials from the Ministry for Women's Affairs, Family Affairs, and Gender, child, early, and forced marriage was a significant problem, particularly in the more rural areas in the south, east, and northeast. The ministry conducted educational campaigns to address the problem.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation, sale, and offering or using of children for commercial sex and practices related to pornography. The law does not specifically address grooming. Authorities did not effectively enforce the law, but they conducted follow-up investigations when they received referral cases. The minimum age of consensual sex is 18.

Exploitation of women and girls in sex trafficking continued to be a problem, particularly in the southeast gold-mining region of Kedougou.

Infanticide, Including Infanticide of Children with Disabilities: Infanticide continued to be a problem, usually due to economic hardship or religious shame from having children outside of marriage. If police discovered the identity of the mother, she faced arrest and prosecution for infanticide.

Displaced Children: Many children displaced by the Casamance conflict lived with extended family members, neighbors, in children's homes, or on the streets. According to NGOs in the Casamance, displaced children suffered from the psychological effects of conflict, malnutrition, and poor health.

Antisemitism

There were approximately 100 Jewish residents in the country. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Consensual same-sex sexual activity between adults, referred to in law as an “unnatural act,” is a criminal offense punishable by up to five years in prison. The government enforced these laws through arrests of LGBTQI+ persons but did not impose fines or custodial sentences.

Violence against LGBTQI+ Persons: Some local observers believed police condoned or promoted violence against the LGBTQI+ community. LGBTQI+ persons faced widespread social intolerance and acts of violence. LGBTQI+ individuals were subject to frequent threats, mob attacks, robberies, expulsions, blackmail, and rape. Political figures sometimes condoned or tolerated these abuses.

On May 17, a mob in a crowded market assaulted a man perceived to be gay, while onlookers shouted homophobic slurs. A video released publicly potentially revealed the person's identity.

Observers reported an increase in threats of physical violence against persons perceived to be LGBTQI+ or their community allies ahead of the July 31 legislative elections, forcing LGBTQI+ community members to flee or hide for their safety. Anti-LGBTQI+ discourse during the campaign from political parties and others created a threatening atmosphere for LGBTQI+ persons.

Discrimination: No laws prevent discrimination based on sexual orientation or

gender identity, nor are there hate crime laws that could be used to prosecute crimes motivated by bias against LGBTQI+ persons. LGBTQI+ persons faced widespread discrimination, and LGBTQI+ activists complained of discrimination in access to social services, including in education and health services. The government and cultural attitudes remained heavily biased against LGBTQI+ persons.

On May 14, Senegalese soccer player Idrissa Gueye, a member of the Paris Saint Germain professional soccer team, refused to wear a rainbow jersey and play in a Paris match dedicated to raising awareness of LGBTQI+ discrimination, a move that received widespread acclaim across Senegal. Both President Sall and opposition leader Ousmane Sonko on Twitter praised Gueye's decision not to participate in the match.

Availability of Legal Gender Recognition: There is no official process by which the government allows individuals to change their gender identity markers on legal and identifying documents to align them with their gender identity.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Observers did not report specific cases of so-called conversion therapy through a formal institution or practice. Nonetheless, widespread social, cultural, and religious intolerance led to continual attempts to “convert” LGBTQI+ individuals informally through family, religious, medical, educational, or other community pressures.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: The government restricted LGBTQI+ organizations from legally registering or convening meetings. The government closely scrutinized NGO registrations for linkages to the LGBTQI+ community, including rejecting applications with a strong focus on gender-related topics.

Persons with Disabilities

Persons with disabilities could access education, health services, and transportation on an equal basis with others. Older public buildings lacked accessible facilities.

The law prohibits discrimination against persons with disabilities, but the

government did not enforce these provisions adequately. The law also mandates accessibility for persons with disabilities, but the government did not effectively enforce the law.

Due to a lack of special education training for teachers and facilities accessible to children with disabilities, authorities enrolled only 40 percent of children with disabilities in primary school. Support for persons with mental disabilities was not generally available, and incidents of physical abuse of persons with mental disabilities occurred. Authorities did not investigate these abuses.

Persons with disabilities generally experienced difficulty registering to vote as well as accessing voting sites due to physical barriers such as stairs, as well as the lack of provisions such as Braille ballots or sign language interpreters for persons with vision and hearing disabilities, or persons who are nonverbal. The law reserves 15 percent of new civil service positions for persons with disabilities, but this quota has never been enforced. In regions outside Dakar, persons with disabilities were effectively excluded from access to these positions.

Other Societal Violence or Discrimination

The law prohibits violence and discrimination against persons with HIV and AIDS, as well as dissemination of HIV status, although the law was not well known or enforced. The government and NGOs conducted HIV and AIDS awareness campaigns to increase social acceptance of persons with HIV or AIDS and increase HIV testing and counseling nationwide. Nevertheless, human rights activists reported HIV-positive individuals and those with AIDS-related illnesses suffered from social stigma. HIV-positive men sometimes refrained from taking antiretroviral drugs due to the risk their families would discover their sexual orientation.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent unions. Unions have the right to bargain collectively and strike, with some restrictions. The law prohibits antiunion discrimination and allows unions to conduct their

business without interference.

The law excluded some workers, such as persons in public employment of public administration, customs officers, and judges from labor law protections. The law defined essential services more broadly than guidelines recommended by the International Labor Organization.

There are legal restrictions limiting the exercise of freedom of association and collective bargaining. Before a trade union may exist legally, the labor code requires authorization from the Ministry of Interior. Unions have no legal recourse if the minister refuses registration, although authorization is rarely withheld. By law, as part of the trade union recognition process, the ministry has the authority to check the morality and aptitude of candidates for positions of trade union officials. Any change to the bylaws of a trade union must be reported to and investigated by the inspector of labor and the public attorney. Additionally, the law provides that children (both as workers and as apprentices) may not join a union without parental authorization. The state prosecutor may dissolve and disband trade unions by administrative order if union administrators are not following government regulations on the duties of a union to its members.

Foreigners may hold union office only if they have lived in the country for five years and only if his or her country provides the same right to citizens. Collective bargaining agreements covered an estimated 44 percent of workers in the formal economy. Unions may engage in legal proceedings against any individual or entity that infringes the collective bargaining rights of union members, including termination of employment.

The law provides for the right to strike; however, certain regulations restrict this right. According to labor activists, the constitution undermines the right to strike by stipulating that a strike must not infringe on the freedom to work or jeopardize an enterprise. The law states workplaces may not be occupied during a strike and may not violate nonstrikers' freedom to work or hinder the right of management to enter the premises of the enterprise, including pickets, go-slows, work to rule, and sit-down strikes. Unions representing members of the civil service must notify the government of their intent to strike at least one month in advance; private sector unions must notify the government three days in advance. The government does

not have any legal obligation to engage with groups planning to strike, but the government sometimes engaged in dialogue with these groups. The government may also requisition workers to replace those on strike in all sectors, including “essential services” sectors. A worker who takes part in an illegal strike may be summarily dismissed. The government effectively enforced applicable laws on the right to strike. Penalties for noncompliance include a fine, imprisonment, or both. The law does not apply to the informal sector and thus excludes most of the workforce, including subsistence farmers, domestic workers, and those employed in many family businesses. The government did enforce applicable laws. Penalties were commensurate with those for similar offenses.

The government and employers generally respected freedom of association and the right to collective bargaining with restrictions. Workers exercised the right to form or join unions, but antiunion sentiment within the government was strong. The law has no legal mechanism to require employers to enter collective bargaining negotiations. Trade unions organized on an industry-wide basis, very similar to the French system of union organization. There were no confirmed reports of antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor.

Despite the prohibition on forced labor, the law allows state-imposed compulsory prison labor as a penalty in cases deemed inappropriate by the International Labor Organization, such as for participation in labor strikes.

The government did not effectively enforce applicable laws against forced labor, and such practices continued to occur in the areas of domestic servitude, sex trafficking, farm labor, and artisanal mining. Forced child labor occurred, including forced begging by children in some Quranic schools (see section 6, Child Abuse). Some children in these schools were kept in conditions of servitude; were forced to work daily, generally in the street begging; and had to meet a daily monetary quota (or sometimes sugar or rice) set by their teachers. The National Anti-Trafficking Task Force and the Child Protection Special Unit continued to address these matters. When officials identified a potential forced-begging case,

however, they often did not investigate or prosecute according to minimum sentencing guidelines.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment and occupation based on national origin, race, gender, disability, and religion. The law does not explicitly prohibit discrimination based on sexual orientation or gender identity. The International Labor Organization recommended extending the law to prohibit discrimination based on national extraction, color, social origin, and additional grounds.

The law provides for protection from dismissal or discrimination against pregnant workers and gives workers the right to return to the same or equivalent position after taking maternity leave. After childbirth and rejoining work, a worker must be allowed paid breaks for breastfeeding. The law establishes the type of work prohibited for women and pregnant women workers. The law provides for maternity benefits during maternity leave; benefits are paid by the government. The government did not effectively enforce the antidiscrimination provisions of the law. Penalties for violations were commensurate with penalties related to other civil rights. Penalties were rarely applied against violators.

Gender-based discrimination in employment and occupation occurred and was the most prevalent form of discrimination. Men and women have equal rights to apply for a job, although women faced some restrictions on occupations and tasks. Women experienced discrimination in employment and operating businesses (see section 6, Women, Discrimination). On average, women made less than half the salary of men in the same profession.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law provides for a minimum wage for agricultural and nonagricultural workers. The national minimum hourly wage was higher than the estimated poverty income rate. The minimum wage provisions also apply to foreign and migrant workers. Labor unions acted as watchdogs and contributed to implementation of the minimum wage in the formal sector.

For most occupations in the formal sector, the law mandates a standard workweek of 40 hours with at least one 24-hour rest period per week, safety standards, and other measures. Night work is defined as activity between 10 p.m. and 5 a.m. Night workers should receive a supplementary rate of 60 percent for any night hours worked and 100 percent for any night hours worked on holidays. The law does not prohibit excessive or compulsory overtime in the formal sector.

Premium pay for overtime is required only in the formal sector.

Occupational Safety and Health: The law provides for appropriate occupational safety and health (OSH) standards for the main industries. Employers are required to set up an occupational safety service and a committee on occupational health and safety; the employer must provide training and free protective equipment including clothing to workers exposed to wet or hazardous substances. Employees or their representatives have the right to propose measures for their protection and safety and refer proposals to the competent administrative authority in case the employer refuses. Responsibility for identifying unsafe conditions is up to employers and workers, not OSH experts. Due to high unemployment and a slow legal system, workers seldom exercised their nominal right to remove themselves from situations that endangered health or safety. Labor activists claimed workplace accidents were underreported, since the official statistic did not consider the large number of workplace accidents in the informal sector.

Wage, Hour, and OSH Enforcement: The government did not effectively enforce minimum wage, overtime, and OSH laws. The Ministry of Labor is responsible for enforcing the law in the formal sector, but workers indicated enforcement was inadequate. Penalties were commensurate with penalties for comparable violations; penalties were sometimes applied against violators.

Enforcement of the workweek standard was irregular. Numbers of labor inspectors were insufficient to enforce compliance. Although labor inspectors had the authority to hold unannounced inspections and impose penalties, inspectors had poor working conditions and lacked transportation to conduct their mission effectively. Violations of wage, overtime, and occupational safety and health standards were common.

Informal Sector: According to the International Labor Organization, as of 2020 nine of 10 workers were in informal employment and 97 percent of nonagricultural economic units operated in the informal economy. With increasing urbanization, the country's economy was shifting from agriculture to informal commerce, per World Bank data. The informal sector included agriculture, self-employment, construction, services, restaurants, home-based producers, laborers, domestic workers, hotels and hospitality, tourism, fishmongers, street vendors, market vendors, laundries, waste picking, beauty salons, tailoring, transport, and private education.

Some labor laws apply to informal and part time workers, but only to those with an employment contract, not self-employed workers. Workers in the informal sector generally had no employment contracts, or contracts that did not comply with legal provisions, and their employers do not contribute to social security on their behalf as required in the *Integrated National Strategy for the Formalization of the Economy and Action Plan* of the Ministry of Handicrafts and Informal Sector Transformation. Informal workers were often exposed to excessive working hours, a majority working more than 40 hours per week, and some more than 60. Salaries, if they were fixed, were often below the minimum wage. Many did not receive paid annual leave and were not covered by contributory social security through their employment. Many companies cited the very high overall rate of tax and social charges on wages borne by the company as a reason for not formalizing employment.

Laws regulating informal workers' activities were not effectively enforced; legislation prohibiting street vending in public spaces contributed to discrimination against informal workers. Domestic workers are protected by some labor laws, but the law provides them fewer benefits and protections than other workers, and penalties were seldom enforced. Worker rights groups criticized the government's

Senegal emergent (Senegal Rising) plan to regularize informal sector tradespersons, because it covered small businesses but not the self-employed, who represented more than 90 percent of informal workers.

Informal workers had difficulty accessing social protection and public health care. The law allows self-employed workers to contribute to self-financed health care, disability, and old age pension coverage, but informal economy workers had difficulty accessing contribution systems and social assistance programs such as food relief. Although the government set up Universal Health Coverage granting free health care to young children and basic health-care coverage for adults through mutual insurance programs, most informal workers remained uninsured. The government included trade unions representing informal workers on its committee established to monitor the COVID-19 Response Fund.